

## Article - Public Utilities

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§12–113.

- (a) In a hearing before the Authority for an alleged violation of this subtitle:
  - (1) all testimony shall be given under oath; and
  - (2) the proceedings shall be recorded.
- (b) The chair or a member of the Authority may administer the oath.
- (c) The Authority may compel the attendance of a witness by subpoena.
- (d)
  - (1) The Authority shall issue its decision in writing, stating the reason for its decision.
  - (2) A copy of the decision shall be delivered or mailed to all parties to the complaint proceedings.
- (e)
  - (1) A person aggrieved by a decision of the Authority may, within 30 days after receiving the decision, request judicial review of the decision by the circuit court.
  - (2) In accordance with the judicial review and appeals process under the Administrative Procedure Act, the circuit court shall hear and determine all matters connected with the decision of the Authority for which judicial review is requested.
  - (3)
    - (i) Except as provided in subparagraph (ii) of this paragraph, the costs of the judicial review, including the costs of preparing a record and transcript, shall be paid by the party filing the request for judicial review.
    - (ii) If the party filing the request for judicial review prevails, the circuit court may require that the costs of the judicial review, including the costs of preparing a record and transcript, be paid by the Authority.
  - (4) If the request for judicial review is dismissed, the circuit court shall award attorney's fees to the Authority unless the Authority waives the award of attorney's fees.

(f) (1) The record of a hearing conducted under this section, including any record of testimony or evidence offered at the hearing, is not admissible in any administrative or civil proceeding involving the same subject matter or the same parties.

(2) Paragraph (1) of this subsection does not apply to judicial review of the Authority's decision.

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